

IN SENATE OF THE UNITED STATES.

MARCH 15, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

[To accompany bill S. No. 169.]

*The Committee on the Judiciary, to whom was referred the memorial of Frederick Dawson, James Schott and Elisha D. Whitney, report:*

That at the last session of Congress this memorial was referred to the Committee on Claims of the Senate, which committee, February 5th, 1847, reported favorably thereon.—Vide rep. No. 118, 2d sess., 29th Con., and Sen. bill No. 143, same session. That report, with the petition and documents filed therewith, were ordered to be printed by the Senate, at this session of January 13, 1848.—Vide mis. doc. No. 27. See also doc. No. 87, 2d sess., 29th Con., January 20, 1847. Although this committee are not fully prepared to concur, upon the testimony submitted at this time, in all the deductions from the facts of the case, or in all the principles advanced in the report made upon the memorial at the last session, and especially in the justice or expediency of an *unqualified* and *unconditional* payment of the said claim by the United States; now, yet, a majority of the committee are disposed to concede that the memorialists, upon their showing, have a strong, equitable claim upon this government for its direct and liberal aid in obtaining satisfaction *in money*, of the amount of the demand of the memorialists against the State of Texas, inasmuch as the action of this government in the annexation of Texas has occasioned impediments with respect to such payment of said debt. Those of the committee, however, who do so concur, base such equitable claim to the aid of this government essentially, if not exclusively, upon the ground of the transfer to the United States of some of the identical vessels and their equipments of the navy of the republic of Texas, and the receipt by the United States of such vessels, equipments, &c., with full knowledge of this debt for the building and equipment of which vessels it is alledged it was incurred to the memorialists. The committee are aware that differences exist as to the proper measures to be adopted to adjust the equitable claim justly and properly be-

tween the respective parties. The rights and interests of all cannot be ascertained, protected and sustained, except by the concurrent action of all, as to the manner and terms of adjustment and settlement by and between all.

Justice to the memorialists, and the obligations of duty to themselves, devolving upon the State of Texas and upon this government, require that this action should not be delayed. Full confidence may be entertained in the people of Texas and in the authorities of that State, to do justice to the memorialists, and that they will readily assent to an honorable and just arrangement, with which all the parties will be satisfied. The claim is expressly referred to in the treaty of annexation proposed in 1844 by Texas, and its settlement provided for, in part. The majority of the committee, therefore, report a bill providing for such concurrent action and for the settlement of this claim by the Treasury, upon the same being had.